

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR (C.G.)

W. P. (C) No. 414 of 2015

PETITIONER

: Ajay Kumar Choubey son of
Shri Bramhanand Choubey, aged
about 44 years, resident of
Mangla Road, near Petrol Pump,
Mangla, Post-Mangla, Tahsil,
Civil & Revenue District-Bilaspur
(C.G.)

wp(c) 414/15
4678/15
Presented by Shri. Sheeshi Ku.
Kushwaha
Dated: 03/03/15

VERSUS

RESPONDENTS

- :1. State of Chhattisgarh
Through Secretary, Urban
Administration and Development
Department, Mahanadi Bhawan,
Mantralaya, New Raipur (C.G.)
2. The Collector, Bilaspur, District-
Bilaspur (C.G.)
3. The Sub-Divisional officer/Land
Acquisition Officer, Bilaspur
(C.G.)
4. Municipal Corporation, Bilaspur,
through the Commissioner,
Bilaspur (C.G.)



WRIT PETITION UNDER ARTICLE 226 OF THE

CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (C) No.414 of 2015

PETITIONER

Ajay Kumar Choubey

Versus

RESPONDENTS

State of Chhattisgarh and others

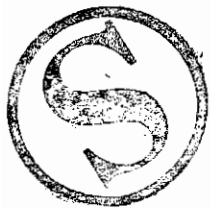
Shri Shashi Kumar Kushwaha, counsel for the petitioner.
Shri Ashutosh Pandey, P.L. for the State.

SINGLE BENCH : HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

**ORAL ORDER
(09/03/2015)**

In this petition under Article 226 of the Constitution of India the petitioner is seeking direction to the respondent No.2 – Collector, Bilaspur to send the reference application of the petitioner to the competent Court for adjudication.

2. Petitioner had earlier preferred W.P.(C) No. 1419/2012 seeking action against the respondents in proceeding to acquire his land and rejecting his objection on 13/07/2012. The writ petition was partly allowed by order dated 01/05/2014 and the matter was remitted to the Land Acquisition Officer for considering petitioner's objection afresh. The land acquisition proceedings eventually came to an end in form of an award dated 10/06/2014. The petitioner thereafter moved another writ petition bearing W.P.(C) No. 1403/2014 seeking enhancement of amount of compensation. This petition was disposed of on 30/07/2014 by observing that petitioner's remedy lies in moving an application under Section 18 of the Land Acquisition Act, 1894 (for short, 'Act 1894') before the Collector.



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3. It appears, the petitioner thereafter moved an application before the Collector under the Act 1894, however, the said application has not yet been sent to the competent Court for adjudication in accordance with law.

4. Considering the entire fact situation of the case, the writ petition is disposed of with a direction to the respondent No.2 – Collector, Bilaspur to pass appropriate order for sending the petitioner's application under Section 18 of the Act, 1894 read with Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for sending the same for adjudication to the jurisdictional Civil Court. The necessary action may be taken by the Collector, Bilaspur within a period of two months from the date of submission of certified copy of this order.

5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent-authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-
Prashant Kumar Mishra
Judge